

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

BIS ADVANCED SOFTWARE SYSTEMS, LTD.,

Plaintiff,

v.

RED BEND SOFTWARE, INC.,
RED BEND, LTD.,
TIME WARNER INC.,
ICQ, INC.
INSTALLSHIELD SOFTWARE CORP.,
and
SCANSOFT, INC.

Defendants.

Civil Action No. 04cv11960 (RWZ)

**ASSENTED TO MOTION TO COMPEL PRODUCTION
OF CERTAIN THIRD-PARTY CONFIDENTIAL DOCUMENTS**

Plaintiff BIS Advanced Software Systems, Ltd. (“BIS”) has requested production of documents from Defendants Red Bend Software, Inc., and Red Bend, Ltd., (collectively “Red Bend”), including certain documents that may be protected by non-disclosure agreements and/or other confidentiality obligations that Red Bend owes to third-parties. Red Bend has made all reasonable efforts to obtain permission to disclose non-objectionable, responsive materials that are protected by such confidentiality agreements, and has produced confidential documents for which such permission has been obtained. Red Bend has not, however, been able to obtain permission to disclose certain additional, possibly responsive, third party documents and/or information protected by confidentiality agreements. Accordingly, Red Bend may not produce such documents without an Order from the Court. All third parties have been served with this motion at either their last known mailing or email address.

WHEREFORE, to enable Red Bend to produce the remaining confidential information that it has withheld because of confidentiality obligations to third-parties, Red Bend respectfully requests that the Court grant this Motion and issue an Order requiring that Red Bend produce documents in its possession that have been withheld to date only because of confidentiality obligations to certain third-parties.

RED BEND SOFTWARE, INC., AND RED BEND, LTD.

/s/ Miguel C. Danielson

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Dated: October 27, 2005

Certification Pursuant To Local Rules 7.1(A)(2) and 37.1(B)

Counsel for Defendants hereby certifies that, on October 20, Defendants' Counsel, Anastasia M. Fernands, conferred with Plaintiff's counsel, Caitlin Lhommedieu, by telephone and Plaintiff's counsel assented to this motion.

/s/ Anastasia M. Fernands
Anastasia M. Fernands

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above document was served upon counsel for Plaintiff BIS Advanced Software Systems, Ltd. by e-mail and United States Mail on October 27th, 2005.

/s/ Miguel Danielson
Miguel C. Danielson